

AO 91 (Rev. 11/11) Criminal Complaint

FILED**UNITED STATES DISTRICT COURT**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

for the

District of New Mexico

DEC 13 2019

United States of America

v.

Hassan Alqahtani

MITCHELL R. ELFERS
CLERK

Case No.

16mj 4447

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 08 August 2019 - 12/12/19 ^{JL KBM} in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:*Code Section*

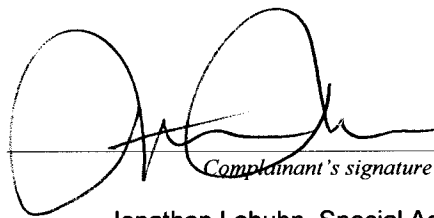
18 U.S.C. § 922(g)(5)(B)

Offense Description

It is unlawful for any nonimmigrant alien to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has shipped or transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Jonathan Labuhn, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

December 13, 2019

City and state:

Albuquerque, New Mexico*Judge's signature*

Karen B. Molzen

Printed name and title

US Magistrate Judge

AFFIDAVIT IN SUPPORT OF AN ARREST WARRANT; HASSAN ALQAHTANI

INTRODUCTION AND AGENT BACKGROUND

1. I, Jonathan Labuhn, being first duly sworn, make this affidavit in support of a criminal complaint charging HASSAN ALQAHTANI as a nonimmigrant F1 student visa holder in possession of a firearm in violation of 18 U.S.C. § 922(g)(5)(B).

2. ALQAHTANI is a Saudi Arabian citizen admitted to the United States on a non-immigrant F1 student visa. ALQAHTANI is attending the University of New Mexico's School of Engineering.

3. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been so employed since March 2019. I am therefore authorized to investigate federal criminal offenses. I am currently a member of the Albuquerque Division of the FBI. I have received on the job training from other experienced agents and detectives in the investigations of violent crimes. My investigative training and experience includes, but is not limited to, conducting surveillance, interviewing subjects, victims, and witnesses, writing affidavits for and executing search and arrest warrants, managing cooperating sources, issuing subpoenas, collecting evidence, and analyzing public records.

4. The information in this Affidavit is based on my personal involvement in the investigation; law enforcement reports, records, and interviews; information received from other law enforcement agents; my experience and training; and the experience of other law enforcement agents. Because of this Affidavit's limited purpose, it does not contain all of the facts known to me or the other law enforcement officers about the investigation. Specifically, I have set forth only those facts that I believe are necessary to establish probable cause in support of this arrest warrant.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

5. The FBI is currently investigating HASSAN ALQAHTANI for being a Prohibited person in possession of a firearm. ALQAHTANI is a Saudi Arabian citizen admitted to the United States on a non-immigrant F1 student visa. ALQAHTANI is attending the University of New Mexico's School of Engineering. As a non-immigrant F1 student visa holder, ALQAHTANI is prohibited from having a firearm.

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6. On August 8, 2019, a tip was submitted by R.V. to the FBI National Threat Operations Center (NTOC), via tips.fbi.gov, to report Saudi Arabian citizen HASSAN ALQAHTANI, address 1305 Columbia Drive NE, Albuquerque, New Mexico 87106, was creating a "list of people who he wants to kill before he leaves the US" consisting of R.V., and professors from University of New Mexico in Albuquerque, NM. The tip also stated ALQAHTANI had possession of a firearm. The affiant conducted an interview with R.V. on September 6, 2019, where R.V. described ALQAHTANI's firearm as a colored hand gun and that ALQAHTANI was aware he should not have the firearm. R.V. clarified ALQAHTANI owned the firearm but had stated if ALQAHTANI were to get in any trouble with the firearm his girlfriend would take possession of it and hide it for him. R.V. stated ALQAHTANI carries the firearm for protection.

7. On October 3, 2019, R.V. was interviewed again where he confirmed ALQAHTANI had shown him a colored handgun. ALQAHTANI claimed that his cousin, another Saudi Arabian citizen, had purchased the firearm while in the United States and gave it to ALQAHTANI when the cousin had returned to Saudi Arabia. R.V. recounted ALQAHTANI stated he should not have the firearm. ALQAHTANI claimed he would state the firearm was his girlfriend's if he was ever in trouble with the authorities. ALQAHTANI's girlfriend was identified as SIERRA SHAFER. R.V. stated the only time he saw the firearm outside of 1305 Columbia Drive NE, Albuquerque, New Mexico was when ALQAHTANI would transport the firearm in his white Cadillac, bearing New Mexico state tag 4236WL.

8. R.V. invited ALQAHTANI to go shooting on numerous occasions. R.V. stated ALQAHTANI would ask R.V. before going on the shooting outings whether R.V. could "hold his gun" during transport from ALQAHTANI's residence to the site, if ALQAHTANI decided to bring his firearm to the outing. However, R.V. stated he never saw ALQAHTANI bring his firearm to any of these outings. R.V. believed ALQAHTANI made such inquiries about R.V. holding the firearm because ALQAHTANI knew it was not legal for him to be in possession of the firearm.

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9. On October 17, 2019, the affiant conducted an interview with A.M. who claimed that in July 2019, A.M. met ALQAHTANI at his residence of 1305 Columbia Drive NE, Albuquerque, New Mexico. During this meeting, ALQAHTANI went into a room further in his residence and retrieved a firearm to show to A.M. A.M. claimed it had a coating that made the firearm appear colored. When A.M. unloaded the firearm, A.M. saw 9 mm rounds in the magazine. ALQAHTANI was surprised when A.M. unloaded his firearm and asked A.M. to teach him how to unload the firearm. At this same meeting, ALQAHTANI claimed to A.M. that he knew he was not allowed to own the firearm and that if he was in trouble with the firearm he would claim that the firearm belonged to his girlfriend, identified as SHAFER.

10. On November 14, 2019 an Albuquerque confidential human source (CHS), reported that ALQAHTANI approached the CHS and was interested in purchasing a firearm. ALQAHTANI was interested in both purchasing the CHS's firearm as well as purchasing an AK-47 rifle. ALQAHTANI showed the CHS videos of a Saudi Arabian wedding with individuals shooting AK-47 rifle. ALQAHTANI told the CHS he did not like his old firearm and wanted to purchase another firearm before his family arrived.

11. On December 4, 2019, ALQAHTANI stated to the CHS he was no longer interested in an AK-47 rifle but wanted a smaller sized firearm for protection.

12. During the same conversation, ALQAHTANI stated, "I already have a .380 but I still don't...I have the box, I have everything... We have two. I have two, I'm just, I'm getting like, I have, I have mine, I have that one, and my girlfriend has one too, but it's, I want a small one...I just might go to the shop and just buy me a small one, to be honest, [unintelligible], under her name..."

13. On December 12, 2019, the FBI effected a search warrant, signed by Magistrate Judge Karen Ballard Molzen, for ALQAHTANI's residence in search of firearms, firearm ammunition, and other firearm related materials. During the execution of said warrant a .380 caliber firearm, ammunition, and a box for a .380 firearm were found.

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14. The firearm that agents recovered is described as a Cobra FS380BKW. The firearm is a .380 caliber firearm with the serial number of FS089408. The firearm is blue and white in color. Neither the firearm nor the ammunition were manufactured in the state of New Mexico, thus establishing an effect upon interstate commerce and travel in interstate commerce. The handgun appears to meet the federal definition of a “firearm.”

15. SHAFER was interviewed by the FBI. SHAFER initially said she never purchased or owned a firearm and the last firearm she had touched was her brother Cody’s. Once the firearm was located by the search team, SHAFER was asked if she wanted to amend her statement. SHAFER changed her statement and said the firearm was hers. SHAFER was asked if she could describe the firearm. SHAFER responded, “it’s blue,” but could not say what the make, model, or caliber of the firearm was. SHAFER did not know where the bullets were or how to load the firearm. SHAFER denied ever shooting the firearm. SHAFER told the interviewing agents that she does not like firearms.

16. SHAFER asked the interviewing agents what would change if she said the firearm was hers. SHAFER is possibly conspiring with ALQAHTANI to conceal his possession of the firearm. SHAFER made additional statements that the two kept it out in the open in the bedroom and also used the firearm for protection when they traveled in ALQAHTANI’s vehicle. SHAFER stated she may or may not have touched the firearm.

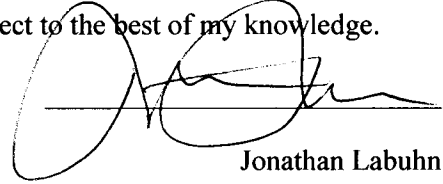
CONCLUSION

17. Based on the aforementioned facts, this affiant respectfully submits that HASSAN ALQAHTANI had in his possession a firearm and as a nonimmigrant F1 student visa holder, is in violation of 18 U.S.C. § 922(g)(5)(B).

This affidavit has been reviewed and approved by Supervisory Assistant United States Attorney Jack Burkhead.

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I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

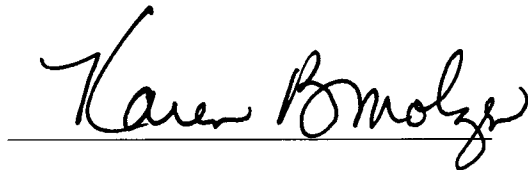


Jonathan Labuhn

Special Agent

Federal Bureau of Investigation

Subscribed and sworn to before me on December 13th, 2019:



United States Magistrate Judge

Albuquerque, New Mexico